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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,809	03/13/2000	Michael P. Murphy	56001/02822	6553
31013	7590	03/15/2007	EXAMINER	
KRAMER LEVIN NAFTALIS & FRANKEL LLP INTELLECTUAL PROPERTY DEPARTMENT 1177 AVENUE OF THE AMERICAS NEW YORK, NY 10036			KAUSHAL, SUMESH	
			ART UNIT	PAPER NUMBER
			1633	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/523,809	MURPHY ET AL.
	<b>Examiner</b> Sumesh Kaushal Ph.D.	<b>Art Unit</b> 1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 31-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 31-71 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

Applicant's response and Dr. Faria., declaration filed on 12/06/06 has been acknowledged.

*Claims 31-71 are pending and are examined in this office action.*

*Applicants are required to follow Amendment Practice under revised 37 CFR §1.121. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.*

*The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The references cited herein are of record in a prior Office action.*

### ***Claim Rejections - 35 USC § 112***

Claims 31-71 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for the same reasons of record as set forth in the office action mailed on 03/28/06.

#### **Nature of Invention:**

Invention relates to an artificial skin construct.

#### **Breadth of Claims and Guidance Provided in the Specification**

The scope of instant claims encompasses a cultured skin construct having at least two layers, comprising: a) a first layer of cultured dermal fibroblast cells which produce a layer of extracellular matrix in the absence of exogenous matrix components during the culturing conditions (*any and all: growth factor and culture conditions not defined i.e. the support on which the cell are cultured*); and (b) a second layer of keratinocyte cells disposed on the first layer to form an epidermal cell layer, wherein the epidermal cell layer is multilayered, stratified, differentiated and exhibits a basal layer,

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suprabasal layer, a granular layer and a stratum corneum; and wherein the bilayered cultured skin construct has a basement membrane present at the junction of the first and second layers (*wherein the keratinocyte cells makes an epidermal layer (as claimed) under any and all culture conditions: i.e. growth factors and culture conditions*).

The scope of instant claims encompasses further encompasses a cultured skin construct having at least two layers, comprising: a) a first layer of cultured dermal fibroblast cells which produce a layer of extracellular matrix in the absence of exogenous matrix components during the culturing conditions (*any and all: growth factor and culture conditions not defined, i.e. the support on which the cell are cultured*); and (b) a second layer of keratinocyte cells disposed on the first layer to form an epidermal cell layer *(wherein the keratinocyte cells makes an epidermal layer (as claimed) under any and all culture conditions: i.e. growth factors and culture conditions)*.

The scope of invention further encompasses a cultured skin construct having at least three layers, comprising: a) a first layer of cultured dermal fibroblast cells which produce a layer of extracellular matrix in the absence of exogenous matrix components during the culturing conditions (*any and all: growth factor and culture conditions not defined*); and b) a second layer of keratinocyte cells disposed on the first layer to form an epidermal cell layer *(wherein the keratinocyte cells makes an epidermal layer (as claimed) under any and all culture conditions: i.e. growth factors and culture conditions)* c) and a third layer of cells deposited on the second layer. In addition the scope of invention as claimed encompasses method of producing and using the above mentioned skin construct for transplantation or implantation into a patient.

Even though the specification teaches optimization of culture conditions for human fibroblasts to produce a layer of extracellular matrix in the absence of exogenous matrix components (see spec. Examples 1, 3 and 15), the specification fails to disclose what are the culturing conditions i.e. culture media contents, growth factors, culture environment that leads to the synthesis of (i) type I and type III collagen, (ii) decorin, (iii) fibronectin, (iv) tenascin, and, (v) glycosaminoglycans. Specifically, the specification fails to disclose a culturing condition (culture media contents, growth

factors, culture environment) in which the fibroblast cells when cultured fibroblasts produce type I and type III collagens (as claimed) and tenascin. The specification fails to identify type I and type III collagens (as claimed) and tenascin in the extracellular matrix secreted by cultured fibroblasts. In addition the specification fails to disclose that fibroblast cells derived from tissues selected from tendon, lung, cartilage, urethra, corneal stroma, oral mucosa, umbilical cord, and intestine are capable of synthesizing extracellular components (as claimed) under any and all culture conditions. Regarding formation of an epidermal layer the specification only disclosed the use of a specific culture conditions, which comprises culturing the seeded keratinocytes in an epidermalization medium followed by culturing of the skin construct under submerged conditions (air-liquid interface) in a culture media that is different from the epidermalization medium (Spec. page 46, example-16). The specification fails to disclose that use of any and all culture conditions (i.e. culture media contents, growth factors, culture environment) would lead to the formation of an epidermal layer (as claimed) in a cultured skin construct.

#### **Response to Arguments and Faria's declaration**

The applicant remarks and KC Faria's declaration regarding enablement issue filed on 12/06/06 has been fully considered. Regarding the enablement issues for the "culture condition" and the "chemically defined media" the in view of the declaration filed applicant argues that that one of ordinary skill in the art would be able to prepare without undue experimentation the cultured skin construct as claimed.

The applicant argues that the state of the art of "Culturing conditions" include intangible/environmental e.g., temperature, humidity, etc.) or more tangible factors e.g., specific additives, growth factors, culture media, support structure, etc. The applicant argues that both types of culturing conditions go hand in hand and it would be routine practice to disclose all culture conditions to specific cell type being researched or experimented on. The applicant argues that it is well known what culture media, including defined culture media, could be used to induce dermal fibroblast cells to produce their natural byproduct and/or epidermal cell layer from keratinocyte.

The applicant further argues that one of ordinary skill in the art in view of the disclosure of the invention in the instant Specification would know the culturing conditions to prepare a layer of dermal fibroblast cells that produce an extracellular matrix having such natural byproducts such as type I and type III, collagen, decorin, fibronectin, tenascin and glycosaminoglycans, etc. In addition one of ordinary skill in the art would further know the culturing conditions that lead to the formation of epidermis.

The applicant argues that it is well known what culturing conditions may be used to grow a layer of dermal fibroblasts or epidermal cell layer to produce their natural byproducts. The applicant argues that it is also well known in the art how to prepare chemically defined media. The applicant concluded that the state of the art is predictable in the culturing conditions for the preparation of the dermal fibroblast and epidermal cell layers in chemically defined media.

Regarding the amount of direction provided and the disclosure of the working examples found in the specification the applicant argues that the specification provides ample guidance for practicing the claimed invention. The applicant argues that the quantity of experimentation needed, if any, would not be undue as one of ordinary skill in the art with the prerequisite education and work experience would know how to practice the cell culturing conditions for which the state of technology is well known in the art. Applicants argued that since the present Specification provides a number of directions and working examples, the Specification is enabling for the "optimization of culture conditions for inducing human fibroblasts to produce a layer of extracellular matrix in the absence of exogenous matrix components

The applicant argues that official enablement analysis is incorrect because the specification teaches one of ordinary skilled in the art how to practice the claimed invention without undue experimentation. The applicant argues that the proper enablement is whether the specification teaches one ordinary skill in the art how to practice the without undue experimentation, not whether the claims themselves include those process conditions.

Furthermore considering the Wand factor analysis the applicant concluded that the quantity of experimentation needed, if any, would not be undue. The applicant

argues that one of ordinary skill in the art with the prerequisite education and work experience would know how to practice the cell culture conditions for which the state of technology is well known in the art. The applicant further argues that the specification discloses how to prepare a layer of extracellular matrix from dermal fibroblast cells in the absence of exogenous matrix components. The applicant further argues that the present specification provides working examples of culturing human fibroblasts and formation of an epidermal layer. The applicant concluded that therefore, for all of these reasons, one of ordinary skill in the art would be able to practice the claimed invention without undue experimentation especially in view of Faria's Declaration. The applicant asserts that enablement rejection is incorrect because one ordinary skilled in the art can practice the invention as claimed without undue amount of experimentation in view of guidance provided in the specification.

The Faria's declaration (2<sup>nd</sup>) asserts that the Specification is enabling for the optimization of culturing conditions for inducing human fibroblasts to produce a layer of extracellular matrix in the absence of exogenous matrix components. The declaration further states that the Specification teaches to one of ordinary skill in the art each and all the events necessary to assemble the cells into the tissue and how to practice each "event" without undue experimentation. The declaration states that armed with this knowledge of the cell culture conditions for which the state of the technology is well known in the art, to prepare a layer of extracellular matrix from dermal fibroblast cells in the absence of exogenous matrix components and to grow human fibroblasts and epidermal cells to form an epidermal layer, one of ordinary skill in the art would understand how to practice the claimed invention. The declaration concluded that experimentation, if any is needed, would be routine at most, and certainly would not be undue.

However, applicant's arguments are found not fully persuasive. The scope of "culturing conditions" as claimed is not limited to the disclosure of culture media alone but encompasses conditions under which a designated media(s) is used to make the cultured skin construct as claimed. The invention as claimed encompasses multi-layered cultured skin construct comprising a layer of cultured dermal fibroblast cells,

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which produce a layer of extracellular matrix in the absence of exogenous matrix components during any and all culturing conditions. As stated earlier the invention as claimed fails to recite what are the culturing conditions, for example, culture media contents, growth factors, support structure and culture environment etc that leads to the synthesis of the claimed extracellular matrix components (I and type III collagens, decorin, fibronectin, tenascin and any and all glycosaminoglycans to support the growth and proliferation of second layer of epithelial cells. Similarly the instant claims fail to recite what are the culturing conditions (culture media contents, growth factors, culture environment that leads to the formation of epidermis.

Although a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), *In re Van Guens*, 988 F.2d 1181, 26 PSPG2d 1057 (Ded. Cir. 1991), which discuss the premise that one cannot rely on the specification to impart limitations to the claim that are not recited in the claim.

Accordingly, without the recitation of all these critical limitations, the claims do not adequately define the instant invention. Similarly in the instant case the claims fail to recite what encompasses the “chemically defined media” or “culturing conditions” as claimed. In addition if the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 U.S.C. 112, second paragraph would be appropriate. See *Morton Int'l, Inc. v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470, 28 USPQ2d 1190, 1195 (Fed. Cir. 1993). See MPEP 173.02. For example, in instant case it is unclear how one would envision the invention as claimed to avoid infringement issues especially in context of “culturing conditions” or “chemically defined media”, especially when the process of making a cultured skin construct is multi-factorial. In addition it would require an extensive and undue amount of experimentation to practice the invention as claimed especially in view of the state of the art that clearly teaches the role of various growth factors a culture for the development of an artificial skin construct that is of any practical use.

### **State of Art and Predictability**

The state of the tissue engineering art at the time of filing teaches that to engineer living tissues in vitro, cultured cells are coaxed to grow on bioactive degradable scaffolds that provide the physical and chemical cues to guide their differentiation and assembly into three-dimensional tissues. The assembly of cells into tissues is a highly orchestrated set of events that requires time scales ranging from seconds to weeks and dimensions ranging from 0.0001 to 10 cm. Coaxing cells to form tissues in a reliable manner is the quintessential engineering design problem that must be accomplished under the classical engineering constraints of reliability. Even though fewer than five engineered tissues have been approved, there are still many technical challenges to overcome before an "off-the-shelf" tissue could be created that represent the translation of scientific discoveries into treatments for patients. Furthermore, the successful large-scale production of engineered tissues requires an adequate source of healthy expandable cells, the optimization of scaffolds, and the creation of bioreactors, which mimic the environment of the body and that are amenable to scale-up. Additional challenges include the preservation of the product so that it has a long shelf-life and the successful use of various approaches to prevent tissue rejection (Naughton et al Science 295:1009-1014, 2002, ref of record).

Like in vivo conditions, hormones and growth factors were known to play a role for cell growth and ECM synthesis in vitro cell culture systems. Dermal fibroblasts in vitro were reported to proliferate and synthesize ECM in response to several hormones or growth factors. Compared to routine monolayer cultures, dermal fibroblasts in postconfluent cultures were shown to process more efficiently ECM components such as collagen. It has been found that post confluent dermal fibroblasts alone in a special culture condition could form several layers of cells in a culture dish. These findings and the problems of the previous dermal equivalents clearly prompts one skill in the art to develop a safer and more practical alternative dermal equivalent (see Lee DY et al J Dermatol Sci. 43(2):95-104, 2006, Lee et al, Arch Dermatol Res. 296(7):296-302, 2005).

The state of the art teaches that specialized culture conditions are required for the formation of artificial skin constructs. For example the culture medium for the

production of the new dermal equivalent was based on serum containing medium for the routine fibroblast monolayer culture that included EGF, insulin, hydrocortisone, transferrin and triiodothyronine. These supplements are all present and essential in the human body and they are known to support the growth of fibroblasts in vitro and EGF stimulates the growth and synthesis of non-collagenous proteins in cultured skin fibroblasts, and its effect on collagen synthesis depends on the culture conditions. Insulin stimulates growth and collagen formation in cultured fibroblasts. Hydrocortisone increases growth as well as collagen and noncollagen protein production in cultured skin fibroblasts. Transferrin and triiodothyronine were included in some culture medium for culturing fibroblasts. Transferrin stimulates cell proliferation and proteoglycan accumulation of human fibroblasts. Triiodothyronine stimulates the synthesis of proteoglycan in human skin fibroblasts, but decreases the amount of newly synthesized collagen. In addition, serum, which is one of the most important factors that affect the growth and synthetic activities of cells, stimulates collagen production by fibroblasts. Thus, several supplements and serum may work together to influence cell growth and ECM synthesis of dermal fibroblasts, resulting in the formation of the fibrous matrix but the combination of nay such conditions would require further extensive and undue amount of experimentation. For example when postconfluent dermal fibroblasts were supplemented with ascorbic acid in a long-term culture a dermis-like matrix was produced. This result can be explained by the finding that ascorbic acid stimulates collagen production in cultured human skin fibroblasts. However, ascorbic acid has a disadvantage in that it is very unstable in solution, especially under the culture conditions of neutral pH and 37 °C. It was also reported that the addition of L-ascorbic acid 2-phosphate rendered fibroblasts to the organization of the dermis-like three-dimensional structure in vitro without any pre-treatments with the plastic dish. It was found that the dermis-like three-dimensional structure by addition of L-ascorbic acid 2-phosphate was much less formed compared to Lee et al products (see Lee DY et al J Dermatol Sci. 43(2):95-104, 2006).

Furhtermore the development of the basement membrane (BM) formation is complex and is controlled by various factors that include culture conditions and culture

media content. For example type VII and type IV collagen are produced both by keratinocytes and fibroblasts and recent studies indicate that next to the use of serum-free medium, the number and the functional state of fibroblasts incorporated into the matrix also strongly affects the normalization of the epidermal differentiation program. The information on the role fibroblasts play in regulation of synthesis and deposition of proteins at the dermalepidermal junction (DEJ) is limited. Previous studies mainly used fibroblast-populated dermal matrices or media supplemented with growth factors and studies with organotypic keratinocyte monocultures are scarce. The majority of the studies performed until now used media supplemented with growth factors, the effects of exogenously added growth factors were examined as well. It has been indicated that that plectin, BP230, BP180, and integrins  $\alpha_1\beta_1$ ,  $\alpha_2\beta_1$ ,  $\alpha_3\beta_1$ , and  $\alpha_6\beta_4$  are constitutively produced by keratinocytes, and most importantly that fibroblasts or exogenously added growth factors plays an important role for deposition of the BM proteins laminin 5, laminin 10/11, Ladinin-1, uncein, and type IV and type VII collagen. In conclusion, the findings clearly demonstrated that a dermal equivalent, that closely resembles a dermis in vivo, could be constructed by culturing dermal fibroblasts alone in a special culture medium (see Ghalbzouri et al, J Invest Dermatol. 124(1):79-86, 2005).

Furthermore many studies identified the role of various growth factors in cutaneous physiology in order to add cytokines in a timely fashion for optimal tissue engineering of skin. The development process requires a multistep approach for the production of bioengineered skin substitutes, taking into account the effects of various growth factors according to the culture time. The state of the art clearly emphasize the need for sequential addition of the exogenous factors to the medium used to produce skin substitutes, in order to achieve required structural features and functional properties in-vitro (see. Auquer et al, In Vitro Cell Dev Biol Anim. 36(2):96-103, 2000)

Therefore as evidenced above the state of the art clearly teaches that the identification of the "culture conditions" along with the "contents of chemically defined culture media" are the most important aspects required for the development of an artificial skin construct of a clinical relevance, which would enable one skilled in the art to practice the invention as claimed without further undue amount of experimentation.

Under the law Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Furthermore, claims are interpreted in light of the specification does not mean that everything in the specification must be read into the claims. *Raytheon Co. v. Roper Corp.*, 724 F.2d 951, 957, 220 USPQ 592, 597 (Fed. Cir. 1983), cert. denied, 469 U.S. 835 (1984). See also MPEP § 2111 - § 2111.01. In instant case the invention as claimed encompasses multi-layered cultured skin construct comprising a layer of cultured dermal fibroblast cells which produce a layer of extracellular matrix in the absence of exogenous matrix components during any and all culturing conditions. The instant claims fail to recite what are the culturing conditions for example culture media contents, growth factors, culture environment that leads to the synthesis of the claimed extracellular matrix components (I and type III collagens, decorin, fibronectin, tenascin and any and all glycosaminoglycans to support the growth and proliferation of second layer of epithelial cells. Similarly the instant claims fail to recite what are the culturing conditions (culture media contents, growth factors, culture environment that leads to the formation of epidermis during any and all culturing conditions.

Furthermore, It is noted that patent protection is granted in return for an enabling disclosure of an invention, not for vague intimations of general ideas that may or may not be workable (See *Brenner v. Manson*, 383 U.S. 519, 536, 148 USPQ 689, 696 (1966), *Stating, in context of the utility requirement, that "a patent is not a hunting license. It is not a reward for the search, but compensation for its successful conclusion."*) Tossing out the mere germ of an idea does not constitute enabling disclosure. While every aspect of a generic claim certainly need not have been carried out by an inventor, or exemplified in the specification, reasonable detail must be provided in order to enable members of the public to understand and carry out the invention.

Therefore defining culture conditions which are not limited to culture media alone but encompasses chemically defined medium and structures required for each step involved in the development of cultured skin construct which are considered essential

practice the instant invention without further undue experimentation. Even though the specification discloses various chemically defined medias like growth medium, production medium, epidermalization medium, cornification medium, maintenance medium, chemically defined medium, seed medium, and other medias it is unclear which media is used at each step during the development of the cultured skin construct as claimed. Similarly the disclosure of a structure in the absence of a mesh member is considered essential practice the instant invention without further undue experimentation.

Under the law, the disclosure "shall inform how to use, not how to find out how to use for themselves." See *In re Gardner* 475 F.2d 1389, 177 USPQ 396 (CCPA 1973). At issue, under the enablement requirement of 35 U.S.C. 1 12, first paragraph is whether, given the Wands factors, the experimentation was undue or unreasonable under the circumstances. "Experimentation must not require ingenuity beyond that to be expected of one of ordinary skill in the art." See *Fields v. Conover*, 443 F.2d 1386, 170 USPQ 276 (CCPA 1970). In instant case the with the identification of culture conditions eve one skill in the art would have to engage in excessive and undue experimentation to practice the invention as claimed.

Furthermore, USPTO does not have laboratory facilities to test if an invention will function as claimed when working examples are not disclosed in the specification, therefore, enablement issues are raised and discussed based on the state of knowledge pertinent to an art at the time of the invention, therefore skepticism raised in the enablement rejections are those raised in the art by artisans of skill.

In instant case making a multi-layered cultured skin construct under any and all culture conditions (culture media contents, growth factors, culture environment etc) is not considered routine in the art and without sufficient guidance to a specific "culturing conditions" the experimentation left to those skilled in the art is unnecessarily, and improperly, extensive and undue. See *In re Wands* 858 F.2d 731, 8 USPQ2nd 1400 (Fed. Cir, 1988).

***Conclusion***

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumesh Kaushal Ph.D. whose telephone number is 571-272-0769. The examiner can normally be reached on Mon-Fri. from 9AM-5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on 571-272-0739.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to **571-272-0547**. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**



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